May 1, 2019

Chairman Bennie G. Thompson
Committee on Homeland Security
US House of Representatives
Washington, DC 20515

Ranking Member Mike Rogers
Committee on Homeland Security
US House of Representatives
Washington, DC 20515

Dear Chairman Thompson and Ranking Member Rogers:

As civil liberties and community-based organizations, we submit this statement for the record in response to the hearing on domestic terrorism in order to share our concerns about the rise of white supremacist and nationalist violence in the country, and to remind the committee that communities of color continue to have their freedom of speech and right to assembly curtailed under the guise of fighting domestic terrorism. Before adopting any policies to fight white supremacist and nationalist violence, we urge you to consider how these policies will impact communities of color.

The term "domestic terrorism" itself has been heavily politicized and critiqued. The politicization of this term has meant that rather than applying a uniform definition, it has instead been applied differentially and used in particular to target and criminalize communities of color and their freedom of speech, movement, and assembly. More specifically, there has been and continues to be, a systematic bias in the way terrorism is framed such that it is more readily applied to cases where the alleged perpetrator or planner of a violent act is Muslim.

Furthermore, the term "domestic terrorism" has often been associated, particularly by law enforcement, with Black and/or, Muslim and/or, Indigenous communities and their allies despite documented incidents of violence perpetrated largely by white supremacists and right-wing extremists. We are therefore concerned that the remedies and interventions that come out of this hearing will be used to increase targeting of marginalized communities.

A recent report published by South Asian Americans Leading Together (SAALT) documents hate violence and xenophobic political rhetoric aimed at South Asian, Muslim, Sikh, Hindu, Middle Eastern, and Arab communities from Election Day 2016 to Election Day 2017. The report draws a direct line

between the Trump Administration's anti-Muslim agenda and increasing attacks, revealing that of the 213 incidents of hate violence documented, one in five perpetrators invoked President Trump's name, his administration policies, or his campaign slogans during attacks.[1] As the SAALT report made clear, state rhetoric, policy, and violence are key to understanding the rise of white nationalist and white supremacist violence. We urge the committee to use this hearing, and subsequent hearings, to examine how government policies and institutions and political rhetoric have fostered the rise of white nationalist and white supremacist terror.

We also urge committee members to reject Countering Violent Extremism (CVE) programs as a remedy to the rise in white supremacist violence. Though often neutral on their face, CVE programs have in practice and since their inception under the Obama administration profiled, surveilled, and divided Muslim communities. To simply include white supremacist groups within CVE would not alter the foundation of the program, but would strengthen and expand it – and this would likely result in Muslim youth and communities getting targeted even more than before.

Moreover, CVE programs are not only problematic because of their almost exclusive focus on Muslims, but because they are based on debunked, pseudo-scientific theories that certain "radical" ideas lead to violence.[2] As civil rights and civil liberties advocates have long argued, expanding CVE to include white supremacy will be ineffective in fighting terrorism, and harmful to communities of color.[3] CVE programs promote a narrative of collective responsibility of Muslim and other marginalized communities, putting them at risk in a way that will not be felt by the majority White population.[4]

While we applaud the intent behind the proposed "Domestic Terrorism Documentation and Analysis of Threats in America Act," as it could provide a clearer picture of domestic terrorism by providing disaggregated data which displays the number of attempted and actual acts of terror committed by white supremacist groups and others, we caution that white supremacist and right wing violence are less likely to be prosecuted as terrorism,[5] and urge the committee to take steps to ensure that the reported data is reliable. Required reporting would also track the number of FBI assessments and investigations, of each domestic terrorist movement defined by the FBI. This data could be revelatory, and should be made public.

Furthermore, under this proposed legislation, the Department of Homeland Security and FBI would have the discretion to define and give their opinion about each terrorist movement and conduct a threat assessment – discretion that would almost certainly be biased if either of these agencies' histories are any indication. Furthermore, we are concerned that efforts to "research" threats will lead to increased monitoring, surveillance, and destabilization of communities of color and non-violent activist groups.

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[1] Communities on Fire, South Asian Americans Advancing Together, January 2018

[2] See Letter from Nicole Nguyen & Stacey Krueger, Researchers from the University of Illinois at Chicago, to Members of Congress et al, Concerning the Questionable Use of Academic Research to Support CVE Initiatives (October 5, 2016) and Who Will Become a Terrorist? Research Yields Few Clues (Matt Apuzzo, *The New York Times*, Mar. 27, 2016)

[3] See Letter from 53 Civil Rights and Liberties Organizations Against Expanding CVE Programs (September 7, 2017) and Statement: AMEMSA Groups Oppose Expansion of the Countering Violent Extremism Program (September 7, 2017)

[4] Are Muslims Collectively Responsible?, 416Labs, November 19, 2015

[5] Trevor Aaronson, Terrorism's Double Standard: Violent Far-Right Extremists Are Rarely Prosecuted as Terrorists, *The Intercept*, March 23, 2019

Additionally, we are worried that this act would further embolden the FBI's surveillance of the Muslim community. To date, the FBI maintains a nationwide network of over 15,000 informants[6], many of them highly paid to infiltrate Muslim communities. According to Human Rights Watch, from 2001 - 2014, "nearly 50 percent of the more than 500 federal counterterrorism convictions resulted from informant-based cases; almost 30 percent of those cases were sting operations in which the informant played an active role in the underlying plot."[7] It is unclear how these injustices will be addressed moving forward and what the recommendation will be regarding the use of informants to uncover or manufacture domestic terrorism plots. Thus, we urge Members of Congress to be explicit about the role of informants and what safeguards will be put in place to make sure they are not violating the rights of already marginalized communities. The Domestic Terrorism DATA Act should include data on the number of FBI informants involved in domestic terror related assessments and investigations.

We look forward to working with the committee to ensure that white supremacist terror is addressed without adversely impacting the very communities most often targeted by white supremacists. We do not believe that law enforcement or intelligence agencies need additional authorities to address domestic terrorism, but they must be held accountable for ignoring some threats and inflating others.

Signed,

South Asian Americans Leading Together (SAALT)
Justice for Muslims Collective
Defending Rights & Dissent

American-Arab Anti-Discrimination Committee (ADC)
Asian Americans Advancing Justice
Asian American Resource Workshop - Boston
Campaign to TAKE ON HATE
Center for Constitutional Rights
Council on American-Islamic Relations (CAIR)
MPower Change
National Network for Arab American Communities
Project South
Property of the People
Revolutionary Love Project
Southern Poverty Law Center
The Surveillance Technology Oversight Project (S.T.O.P).

[6] Trevor Aaronson, The Informants, *Mother Jones*, July, 2011
[7] Illusion of Justice: Human Rights Abuses in US Terror Prosecutions, Human Rights Watch, July 21, 2014